

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEMOCRACY NORTH CAROLINA,)
THE LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, JOHN P. CLARK,)
LELIA BENTLEY, REGINA WHITNEY)
EDWARDS, ROBERT K. PRIDDY II,)
SUSAN SCHAFFER, and WALTER)
HUTCHINS,)

Plaintiffs,)

v.)

1:20CV457

THE NORTH CAROLINA STATE BOARD)
OF ELECTIONS, DAMON CIRCOSTA,)
in his official capacity as)
CHAIR OF THE STATE BOARD OF)
ELECTIONS, STELLA ANDERSON, in)
her official capacity as)
SECRETARY OF THE STATE BOARD)
OF ELECTIONS, STACY EGGERS IV,)
in his official capacity as)
MEMBER OF THE STATE BOARD OF)
ELECTIONS, JEFF CARMON III, in)
his official capacity as)
MEMBER OF THE STATE BOARD OF)
ELECTIONS, TOMMY TUCKER, in his)
official capacity as MEMBER OF)
THE STATE BOARD OF ELECTIONS,)
and KAREN BRINSON BELL, in her)
official capacity as EXECUTIVE)
DIRECTOR OF THE STATE BOARD OF)
ELECTIONS,)

Defendants,)

and)

PHILIP E. BERGER, in his)
official capacity as)
PRESIDENT PRO TEMPORE OF THE)
NORTH CAROLINA SENATE, and)
TIMOTHY K. MOORE, in his)

official capacity as SPEAKER)
OF THE NORTH CAROLINA HOUSE)
OF REPRESENTATIVES,)
)
Defendant-Intervenors.)

ORDER

This case originated in May of 2020 with the filing of a complaint challenging the conditions and rules of the 2020 general election. (Doc. 1.) A First Amended Complaint was filed in June 2020. (Doc. 8.) On August 4, 2020, this court entered an order granting in part and denying in part Plaintiffs' motion for preliminary injunction. (Doc. 124.)

Although several matters were addressed relating to the court's injunction and the 2020 general election, (see, e.g., Docs. 152, 153, 169), the substantive issues were not resolved on the merits. Instead, on March 18, 2021, Plaintiffs filed their Third Amended Complaint revising the claims. (Doc. 192.) This court then stayed the action, (Doc. 194), and Plaintiffs thereafter filed their Fourth Amended Complaint, (Doc. 208).

The Fourth Amended Complaint is currently the operative pleading and renders the original complaint, (Doc. 1), the First Amended Complaint, (Doc. 8), and the Third Amended Complaint, (Doc. 124), of no legal effect. See Young v. City of Mount Ranier, 238 F.3d 567, 572 (4th Cir. 2001). Although this order requires no action by the parties at present, the parties should bear in mind that an issue could arise as to the legal effect of

a preliminary injunction issued pursuant to an amended complaint which is no longer of legal effect.

IT IS SO ORDERED.

This the 8th day of March, 2022.


United States District Judge